



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

June 8, 2004

MR WAYNE MADSEN
EPIC.ORG
SUITE 200
1718 CONNECTICUT AVENUE, NORTHWEST
WASHINGTON, DC 20009

Subject: FBI'S SURVEILLANCE OF LIBRARY AND
ON LINE USE OF INTERNET BASED ALMANACS

FOIPA No. 0989792- 000

Dear Mr. Madsen:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

Section 552a

- Exemption options for Section 552 and Section 552a, including (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A-F), (b)(8), (b)(9), (d)(5), (j)(2), (k)(1-7).

55 page(s) were reviewed and 27 page(s) are being released.

- Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:
- referred to the OGA for review and direct response to you.
- referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Co-Director, Office of Information and Privacy, U.S. Department of Justice, Flag Building, Suite 570, Washington, D.C. 20530-0001 within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", with a stylized flourish at the end.

David M. Hardy  
Section Chief  
Record/Information  
Dissemination Section  
Records Management Division

Enclosures (2)

## EXPLANATION OF EXEMPTIONS

## SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b) (1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b) (2) related solely to the internal personnel rules and practices of an agency;
- (b) (3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b) (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b) (5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b) (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b) (7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b) (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b) (9) geological and geophysical information and data, including maps, concerning wells.

## SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d) (5) information compiled in reasonable anticipation of a civil action proceeding;
- (j) (2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k) (1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k) (2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k) (3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k) (4) required by statute to be maintained and used solely as statistical records;
- (k) (5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k) (6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k) (7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

Serial Description ~ COVER SHEET

11/11/1111

Total Deleted Page(s) ~ 28

Page 1 ~ b2, b7E  
Page 2 ~ b2, b7E  
Page 18 ~ b2, b5, b7E  
Page 22 ~ b5, b7C  
Page 23 ~ b5, b7C  
Page 24 ~ b5  
Page 25 ~ b5, b7C  
Page 26 ~ b5, b7C  
Page 28 ~ b5, b7C  
Page 29 ~ b5, b7C  
Page 30 ~ b5, b7C  
Page 31 ~ b5, b7C  
Page 32 ~ b5, b7C  
Page 33 ~ b5  
Page 34 ~ b5, b7C  
Page 35 ~ b5, b7C  
Page 38 ~ b5, b7C  
Page 39 ~ b5, b7C  
Page 40 ~ b5, b7C  
Page 41 ~ b5, b7C  
Page 45 ~ b5  
Page 47 ~ b5  
Page 51 ~ b5, b7C  
Page 52 ~ b5, b7C  
Page 53 ~ b2, b5, b7C, b7E  
Page 54 ~ b5, b7C  
Page 56 ~ b5, b7C  
Page 57 ~ b5, b7C

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
X Deleted Page(s) X  
X No Duplication Fee X  
X for this Page X  
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

**Question: Can the FBI look at your library records any time they want?**

**Answer: No, it cannot. Access to library records is strictly governed and, in fact, is rarely requested.**

A person's library records may be subpoenaed by a federal grand jury for a specific case. Special Agents of the FBI are also able to obtain records with a criminal search warrant in the course of an investigation. Now, under Section 215 of the U.S.A. Patriot Act of 2001 (which does not single out library records, but applies to "books, records, papers, documents, and other items" from any source), the FBI may be granted authorization by the federal FISA court to access records in an investigation specific to international terrorism or foreign intelligence. In this last case, the FBI must prove certify to a judge that it has probable cause and must certify to the court that these records are sought "for an investigation to obtain foreign intelligence information not concerning a U.S. person or to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a U.S. person is not conducted solely upon the basis of activities protected by the First Amendment to the Constitution." In any investigation, of course, including those in which Section 215 is invoked, it is important to maintain secrecy both to protect the integrity of the case and to protect the reputation of the individual being investigated, in the event no charges are brought.

b7C

-----Original Message-----

From: [REDACTED]  
Sent: Friday, December 05, 2003 9:08 AM  
To: [REDACTED]  
Subject: FBI public website

[REDACTED] b7C

FYI: Someone just brought to my attention that the FBI's website has an inaccurate statement regarding the standard under section 215 of the Patriot Act. The statement is in an answer to the question "Can the FBI look at your library records anytime they want?" The answer says that 215 has a PC standard that the FBI has to meet.

I don't know who handles this kind of thing for you, so I'm passing this info to you. Thanks.

[REDACTED] b7C

b7C

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, December 18, 2003 11:38 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: RE: FBI public website

b5  
b7C

[Redacted]

pik

-----Original Message-----

**From:** [Redacted]  
**Sent:** Thursday, December 18, 2003 11:12 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** Re: RE: FBI public website

b5  
b7C

[Redacted]

-----Original Message-----

**From:** [Redacted]  
**Sent:** Thursday, December 18, 2003 7:33 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: FBI public website

b5  
b7C

[Redacted]

-----Original Message-----

**From:** [Redacted]  
**Sent:** Wednesday, December 17, 2003 8:21 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: FBI public website

b7C

[Redacted]

[REDACTED]

-----Original Message-----

From: [REDACTED]  
Sent: Monday, December 15, 2003 4:17 PM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: FBI public website

[REDACTED]

-----Original Message-----

From: [REDACTED]  
Sent: Monday, December 15, 2003 10:57 AM  
To: [REDACTED]  
Subject: RE: FBI public website

[REDACTED]

-----Original Message-----

From: [REDACTED]  
Sent: Monday, December 15, 2003 9:20 AM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: FBI public website

[REDACTED]

-----Original Message-----

From: [REDACTED]  
Sent: Wednesday, December 10, 2003 8:50 AM  
To: [REDACTED]  
Subject: FW: FBI public website

b5  
b7C

[REDACTED]

-----Original Message-----

From: [REDACTED]  
Sent: Wednesday, December 10, 2003 7:05 AM  
To: [REDACTED]  
Subject: RE: FBI public website

[REDACTED]

-----Original Message-----

From: [REDACTED]  
Sent: Tuesday, December 09, 2003 12:05 PM  
To: [REDACTED]  
Subject: FW: FBI public website

b7C

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, December 18, 2003 11:12 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** Re: RE: FBI public website



Library records.doc  
(21 KB)

b5  
b7C

[Redacted]

-----Original Message-----

**From:** [Redacted]  
**Sent:** Thursday, December 18, 2003 7:33 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: FBI public website

b5  
b7C

[Redacted]

-----Original Message-----

**From:** [Redacted]  
**Sent:** Wednesday, December 17, 2003 8:21 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: FBI public website

b7C

[Redacted]

-----Original Message-----

**From:** [Redacted]  
**Sent:** Monday, December 15, 2003 4:17 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: FBI public website

b7C

[Redacted]

-----Original Message-----

From: [Redacted]  
Sent: Monday, December 15, 2003 10:57 AM  
To: [Redacted]  
Subject: RE: FBI public website

[Redacted]

-----Original Message-----

From: [Redacted]  
Sent: Monday, December 15, 2003 9:20 AM  
To: [Redacted]  
Cc: [Redacted]  
Subject: RE: FBI public website

[Redacted]

-----Original Message-----

From: [Redacted]  
Sent: Wednesday, December 10, 2003 8:50 AM  
To: [Redacted]  
Subject: FW: FBI public website

[Redacted]

-----Original Message-----

From: [Redacted]  
Sent: Wednesday, December 10, 2003 7:05 AM  
To: [Redacted]  
Subject: RE: FBI public website

b5  
b7C

[Redacted]

-----Original Message-----

From: [Redacted]  
Sent: Tuesday, December 09, 2003 12:05 PM  
To: [Redacted]  
Subject: FW: FBI public website

[Redacted]

VC

-----Original Message-----

From: [Redacted]  
Sent: Friday, December 05, 2003 9:08 AM  
To: [Redacted]  
Subject: FBI public website

[Redacted]

FYI: Someone just brought to my attention that the FBI's website has an inaccurate

statement regarding the standard under section 215 of the Patriot Act. The statement is in an answer to the question "Can the FBI look at your library records anytime they want?" The answer says that 215 has a PC standard that the FBI has to meet.

I don't know who handles this kind of thing for you, so I'm passing this info to you.  
Thanks.



b7C

b7C

[REDACTED]

---

From: [REDACTED]  
Sent: Thursday, December 18, 2003 9:49 AM b5  
To: [REDACTED] b7C  
Cc:  
Subject: RE: FBI public website

[REDACTED]

-----Original Message-----  
From: [REDACTED]  
Sent: Thursday, December 18, 2003 7:33 AM  
To: [REDACTED] b5  
Cc: [REDACTED] b7C  
Subject: RE: FBI public website

[REDACTED]

-----Original Message-----  
From: [REDACTED]  
Sent: Wednesday, December 17, 2003 8:21 AM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: FBI public website b7C

[REDACTED]

-----Original Message-----  
From: [REDACTED]  
Sent: Monday, December 15, 2003 4:17 PM b5  
To: [REDACTED]  
Cc: [REDACTED] b7C  
Subject: RE: FBI public website

[REDACTED]

-----Original Message-----  
From: [REDACTED]  
Sent: Monday, December 15, 2003 10:57 AM  
To: [REDACTED] b7C  
Subject: RE: FBI public website

b7C

[REDACTED]

---

From: [REDACTED]  
Sent: Thursday, December 18, 2003 7:33 AM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: FBI public website

[REDACTED]

-----Original Message-----

From: [REDACTED]  
Sent: Wednesday, December 17, 2003 8:21 AM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: FBI public website

[REDACTED]

-----Original Message-----

From: [REDACTED]  
Sent: Monday, December 15, 2003 4:17 PM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: FBI public website

b5  
b7C

[REDACTED]

-----Original Message-----

From: [REDACTED]  
Sent: Monday, December 15, 2003 10:57 AM  
To: [REDACTED]  
Subject: RE: FBI public website

[REDACTED]

-----Original Message-----

From: [REDACTED]  
Sent: Monday, December 15, 2003 9:20 AM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: FBI public website

[REDACTED]

-----Original Message-----

From: [REDACTED]  
Sent: Wednesday, December 10, 2003 8:50 AM  
To: [REDACTED]  
Subject: FW: FBI public website

[REDACTED]

-----Original Message-----

From: [REDACTED]  
Sent: Wednesday, December 10, 2003 7:05 AM  
To: [REDACTED]  
Subject: RE: FBI public website

[REDACTED]

-----Original Message-----

From: [REDACTED]  
Sent: Tuesday, December 09, 2003 12:05 PM  
To: [REDACTED]  
Subject: FW: FBI public website

[REDACTED]

VC

-----Original Message-----

From: [REDACTED]  
Sent: Friday, December 05, 2003 9:08 AM  
To: [REDACTED]  
Subject: FBI public website

[REDACTED]

b5  
b7C

b7C

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Monday, December 15, 2003 10:57 AM  
**To:** [REDACTED]  
**Subject:** RE: FBI public website

[REDACTED]

-----Original Message-----  
**From:** [REDACTED]  
**Sent:** Monday, December 15, 2003 9:20 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: FBI public website

[REDACTED]

-----Original Message-----  
**From:** [REDACTED]  
**Sent:** Wednesday, December 10, 2003 8:50 AM  
**To:** [REDACTED]  
**Subject:** FW: FBI public website

[REDACTED]

-----Original Message-----  
**From:** [REDACTED]  
**Sent:** Wednesday, December 10, 2003 7:05 AM  
**To:** [REDACTED]  
**Subject:** RE: FBI public website

b5

b7C

[REDACTED]

-----Original Message-----  
**From:** [REDACTED]  
**Sent:** Tuesday, December 09, 2003 12:05 PM  
**To:** [REDACTED]  
**Subject:** FW: FBI public website

[REDACTED]

VC

-----Original Message-----  
**From:** [REDACTED]  
**Sent:** Friday, December 05, 2003 9:08 AM  
**To:** [REDACTED]  
**Subject:** FBI public website

[REDACTED] b7C

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b7C

b7C

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, December 10, 2003 8:50 AM  
**To:** [REDACTED]  
**Subject:** FW: FBI public website

[REDACTED]

-----Original Message-----  
**From:** [REDACTED]  
**Sent:** Wednesday, December 10, 2003 7:05 AM  
**To:** [REDACTED]  
**Subject:** RE: FBI public website

[REDACTED]

-----Original Message-----  
**From:** [REDACTED]  
**Sent:** Tuesday, December 09, 2003 12:05 PM  
**To:** [REDACTED]  
**Subject:** FW: FBI public website

[REDACTED]

VC

-----Original Message-----  
**From:** [REDACTED]  
**Sent:** Friday, December 05, 2003 9:08 AM  
**To:** [REDACTED]  
**Subject:** FBI public website

[REDACTED]

FYI: Someone just brought to my attention that the FBI's website has an inaccurate statement regarding the standard under section 215 of the Patriot Act. The statement is in an answer to the question "Can the FBI look at your library records anytime they want?" The answer says that 215 has a PC standard that the FBI has to meet.

I don't know who handles this kind of thing for you, so I'm passing this info to you. Thanks.

[REDACTED]

b5  
b7C

b7C

[Redacted]

**From:**

[Redacted]

**Sent:**

Thursday, December 04, 2003 2:56 PM

**To:**

[Redacted]

**Subject:**

NY Public Library

b5

b7C

[Redacted]

pik

[Redacted]

b7C

From:  
Sent:  
To:  
Cc:

[Redacted]

b7C

Friday, October 31, 2003 6:14 PM

[Large redacted area]

b7C

Subject: PATRIOT Act information

[Redacted]

b7C

I received your voice mail re your upcoming PATRIOT Act presentation. I tried my best to locate the answers to your questions considering the time I could devote to this. Please note that all this information may be publicly disseminated.

**Q. How many times have provisions within the PATRIOT Act been used?**

**A.** In DOJ's May 13, 2003, response to the U.S. House of Representatives Judiciary Committee questions concerning the PATRIOT Act, DOJ states the number of times **section 213 of the PATRIOT Act** (Authority for Delaying Notice of the Execution of a Warrant) has been used in its response to **questions # 9 & # 10**. <http://30.100.99.18/ogc/library/Patriot%20Act/doiresponse.pdf>

Also in its May 13 response to the House Judiciary Committee, question # 14, DOJ states the **number of times emergency FISA surveillance orders have been processed since 9/11**.

In DOJ's June 26, 2002 response to the House Judiciary Committee's questions on the PATRIOT Act (**file was too large to download**), the Department stated that **section 203 of the Act** (Authority to Share Criminal Investigative Information) has been used approximately 40 times to share grand jury information with other law enforcement and/or intelligence officials.

Also in its June 26 response, DOJ advised that they could not disclose the number of times **section 206 of the PATRIOT Act** (Roving Surveillance Authority under the FISA) or **section 214** (Pen Register and Trap and Trace Authority under FISA) was used because it is classified **SECRET**, and will therefore provide a response to the intelligence committees through an appropriate channel. DOJ also advised the House Judiciary Committee that **section 412 of the PATRIOT Act** (Mandatory Detention of Suspected Terrorists; Habeas Corpus) has never been used. After 9/11, aliens who present a national security risk have been detained pursuant to immigration violations.

Lastly, AG Ashcroft sent a memo to Director Mueller in Sept. 2003, stating that the government has never used its authority under **section 215 of the PATRIOT Act** (Access to Certain Business Records for Foreign Intelligence and International Terrorism Investigations). See attached.



how\_w\_s\_many\_w Memorandum For  
\_s\_times\_w\_s\_p... Director Robert...

**Q. Have any of the provisions within the PATRIOT Act been challenged in a court of law?**

A. Yes. There are currently two lawsuits pending that challenge various provisions within the PATRIOT Act: (1) On July 30, 2003, the ACLU filed a suit on behalf of six Arab/Muslim community groups in U.S. District Court, Detroit, Michigan, challenging the constitutionality of **section 215 of the PATRIOT Act**. In early October 2003, DOJ asked a federal judge to dismiss this lawsuit. There will be a hearing next Monday re the motion to dismiss this case (see attached below);

(2) On August 5, 2003, the Center for Constitutional Rights filed papers in a Los Angeles court challenging **section 805 of the PATRIOT Act** (Material Support for Terrorism Amendments), which amended the definition of "material support or resources" to terrorists under Title 18, United States Code, section 2339A. Specifically, this amendment makes it a crime for anyone who provides "expert advice and assistance" to terrorists.



ACLU of Oregon UPACOMPLAINT.pdf lawsuits\_w\_s\_patri  
Chapters.htm (1... f (164 KB) ot\_act\_and.p...

There have also been two published federal court decisions that addressed the constitutionality of specific PATRIOT Act provisions.

(1) In Miller v. United States Parole Commission, 259 F.Supp. 2d 1166 (D. Kansas 2003) the court held that the section under the PATRIOT Act which requires a federal parolee to give a DNA sample for the FBI national database as a condition of parole, did not violate the Fourth Amendment (see attached)



DNA\_PATRIOT  
Act.pdf (45 KB)

(2) In re Sealed Case, 310 F.3d 717 (U.S. Foreign Intelligence Court of Review 2002) the FISA Court of Review ruled that the PATRIOT Act's amendment to the Foreign Intelligence Surveillance Act, permitting the government to conduct surveillance of an agent of a foreign power if foreign intelligence is a "significant purpose" of such surveillance, did not violate the Fourth Amendment.

<http://30.100.99.18/ogc/library/Fisa/fisa.pdf>

Additionally, although this case did not challenge the constitutionality of the PATRIOT Act, in ALCU, et al v. Department of Justice, 265 F.Supp. 2d 20 (D.D.C. 2003) the plaintiffs brought an action under the FOIA, seeking disclosure of statistics

regarding the use of new information gathering authority conferred by the PATRIOT Act. The PATRIOT Act authorities discussed in this opinion include sections 214, 215, and 206 of this Act. The judge in this case held that statistical information sought by plaintiffs could be withheld on national security grounds (**see attached case**)



disclosure\_PATRIOT Act.pdf (57...

**Q. How has the FBI used the various authorities in the PATRIOT Act?**

**A. See DOJ's May 13, 2003 response to question #16 posed by the U.S. House Judiciary Committee <http://30.100.99.18/ogc/library/Patriot%20Act/dojresponse.pdf>**

**Also, see Director Mueller's written statement to the Senate Judiciary Committee, July 23, 2003 <http://30.100.99.18/opca/FBI%20BUSINESS/congressmatters/07-23-03rsn.htm> and AG Ashcroft's speech about the PATRIOT Act in Idaho back in August of this year **see attached****



Preserving Life & Liberty.htm ...

This should be adequate for your presentation next week. If you have any questions, give me a call at (202) 324-5648.

OGC

b7C

b7C

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Tuesday, September 09, 2003 7:44 AM b5  
**To:** [REDACTED]  
**Subject:** RE: Leahy letter b7C

-----Original Message-----

**From:** [REDACTED] b5  
**Sent:** Tuesday, September 09, 2003 7:08 AM  
**To:** [REDACTED] b7C  
**Subject:** RE: Leahy letter

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Sunday, September 07, 2003 2:01 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Leahy letter b7C

[REDACTED]

[REDACTED] asked that I sign the response to Senator Leahy regarding the FBI's website information pertaining to library records. I am happy to sign the letter but we do not answer Leahy's question. Do we use NSL's to access library records? If so, how do we respond to his concern that NSLs have a lower threshold of proof than subpoenas/court orders?

Thanks

[REDACTED]

b7C

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Sunday, September 07, 2003 2:01 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Leahy letter

b7C

[REDACTED] b7C

[REDACTED] asked that I sign the response to Senator Leahy regarding the FBI's website information pertaining to library records. I am happy to sign the letter but we do not answer Leahy's question. Do we use NSL's to access library records? If so, how do we respond to his concern that NSLs have a lower threshold of proof than subpoenas/court orders?

Thanks,

[REDACTED] b7C

b7C

[Redacted]

**From:**

[Redacted]

**Sent:**

Wednesday, August 20, 2003 11:20 AM

b7C

**To:**

[Redacted]

**Cc:**

**Subject:**

Senator Leahy letter on using NSLs to get access to library records

**Importance:**

High

[Large Redacted Area]

b5

b7C

b7C

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, August 14, 2003 2:02 PM  
**To:** [Redacted]  
**Cc:**  
**Subject:** RE: 6/5/03 QFR b7C

[Redacted]

[Redacted]

Office of Congressional Affairs  
Room 7252, JEH Bldg  
202-324-[Redacted]

b7C

-----Original Message-----

**From:** [Redacted]  
**Sent:** Thursday, August 14, 2003 1:56 PM  
**To:** [Redacted]  
**Subject:** RE: 6/5/03 QFR

[Redacted]

-----Original Message-----

**From:** [Redacted]  
**Sent:** Thursday, August 14, 2003 1:55 PM  
**To:** [Redacted] b5  
**Cc:**  
**Subject:** RE: 6/5/03 QFR b7C

[Redacted]

[Redacted]

Office of Congressional Affairs b7C  
Room 7252, JEH Bldg  
202-324-[Redacted]

-----Original Message-----

**From:** [Redacted]  
**Sent:** Thursday, August 14, 2003 1:44 PM  
**To:** [Redacted] b5  
**Cc:**  
**Subject:** RE: 6/5/03 QFR b7C

[Redacted]

-----Original Message-----

**From:** [Redacted]  
**Sent:** Thursday, August 14, 2003 1:34 PM  
**To:** [Redacted] b7C  
**Cc:**  
**Subject:** FW: 6/5/03 QFR

[Redacted]

[Redacted]

Office of Congressional Affairs  
Room 7252, JEH Bldg  
202-324-[Redacted]

-----Original Message-----

**From:** [Redacted]  
**Sent:** Wednesday, August 13, 2003 8:30 PM  
**To:** [Redacted]  
**Subject:** RE: 6/5/03 QFR

b5

b7C

[Redacted]

-----Original Message-----

**From:** [Redacted]  
**Sent:** Wednesday, August 13, 2003 4:04 PM  
**To:** [Redacted]  
**Cc:**  
**Subject:** 6/5/03 QFR  
**Importance:** High

b5

b7C

[Redacted]

[Redacted]

Office of Congressional Affairs  
Room 7252, JEH Bldg  
202-324-[Redacted]

b5

b7C

[Redacted]

b7C

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, August 14, 2003 1:34 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** FW: 6/5/03 QFR b7C

[Redacted]

[Redacted]  
Office of Congressional Affairs  
Room 7252, JEH Bldg  
202-324 [Redacted]

b5

-----Original Message-----

b7C

**From:** [Redacted]  
**Sent:** Wednesday, August 13, 2003 8:30 PM  
**To:** [Redacted]  
**Subject:** RE: 6/5/03 QFR

[Redacted]

-----Original Message-----

**From:** [Redacted]  
**Sent:** Wednesday, August 13, 2003 4:04 PM  
**To:** [Redacted]  
**Cc:** [Redacted] b5  
**Subject:** 6/5/03 QFR  
**Importance:** High b7C

[Redacted]

[Redacted]  
Office of Congressional Affairs b5  
Room 7252, JEH Bldg  
202-324 [Redacted] b7C

[Redacted]

b7C

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, August 14, 2003 8:20 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** FW: 6/5/03 QFR

b5

b7C

[Redacted]

[Redacted]  
Office of Congressional Affairs  
Room 7252, JEH Bldg  
202-324 [Redacted]

b7C

-----Original Message-----

**From:** [Redacted]  
**Sent:** Wednesday, August 13, 2003 8:30 PM  
**To:** [Redacted]  
**Subject:** RE: 6/5/03 QFR

b5

b7C

[Redacted]

-----Original Message-----

**From:** [Redacted]  
**Sent:** Wednesday, August 13, 2003 4:04 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** 6/5/03 QFR  
**Importance:** High

b5

b7C

[Redacted]

[Redacted]  
Office of Congressional Affairs  
Room 7252, JEH Bldg  
202-324 [Redacted]

b5

b7C

[Redacted]

b7C

[Redacted]

**From:**

[Redacted]

**Sent:**

Wednesday, July 30, 2003 10:56 AM

b7C

**To:**

[Redacted]

**Cc:**

**Subject:**

Sen. Leahy letter on NSLs and access to library records, 7/29/03

[Redacted]

b5

b7C

b7C

[Redacted]

**From:** [Redacted]  
**Sent:** Tuesday, July 15, 2003 2:45 PM  
**To:** b7C [Redacted]  
**Cc:** [Redacted]  
**Subject:** Libraries, 215, and Regan

One of the primary complaints from the librarians is that 215 orders must be compiled with secrecy, as if there is something sinister about the fact that they would not be permitted to share with others a request for information. While I know that no version of this provision was used, I thought it would make sense to use Regan as an example of why secrecy is important if the Director addresses 215 in his upcoming testimony. I got a few facts from some materials from DOJ, but I also included some assumptions. Does this sound accurate:

[Redacted]

b2  
b5  
b7E

[Redacted]

## News briefs for February 10, 2003

### FBI Testifies It Spied on Alleged Spy's Library Use

The FBI is treating the 2001 library Internet session of a retired U.S. master sergeant as key evidence against Brian Patrick Regan, who is on trial for treason in the U.S. District Court for the Eastern District of Virginia.

Agent Jason Williams testified February 3 that he followed Regan into the Crofton branch of the Anne Arundel (Md.) Public Library in June and witnessed him using a search engine to find and print out the addresses of the Iraqi and Libyan embassies in France, Germany, and Switzerland. Agents Ronald Good and William Wickman said they reconstructed Regan's library Internet session on a separate occasion by clicking the back button of the computer Regan had been using as soon as he vacated the workstation. The agents' actions took place four months before the enactment of the USA Patriot Act, which relaxes the requirements for obtaining a court order to examine library records.

When Regan was arrested August 23, 2001, at Dulles International Airport, he had with him the coordinates of two foreign missile facilities and a missile launch-preparation site, as well as the Swiss and Austrian addresses of the Chinese and Iraqi embassies.

If convicted, Regan, 40, could become the first U.S. citizen to be executed for espionage since Ethel and Julius Rosenberg were put to death in 1953 for attempting to pass classified U.S. atomic information to the Soviet Union.

Note: An earlier version of this story erroneously indicated that the USA Patriot Act allowed agents to request library records without a court order. For a summary of legal processes involved in requesting library records, see the ALA Washington Office Web site.

"  
REGAN"  
CITE